

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

C.M. BUSTO,

Plaintiff

v.

UNITED STATES OF AMERICA,

Defendant

Case No.: 3:21-cv-00137-MMD -WGC

**Report & Recommendation of
United States Magistrate Judge**

This Report and Recommendation is made to the Honorable Miranda M. Du, United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR 1B 1-4.

Plaintiff, a pro se prisoner, has filed a Motion for Sentence Reduction under 18 U.S.C. § 3582(c)(1)(A) (compassionate release). (ECF No. 1-1.) He also requests the appointment of counsel. (ECF No. 1-1 at 6.)

Preliminarily, Busto has not been sentenced by this court. If he seeks a reduction in sentence pursuant to 18 U.S.C. § 3582(c)(1), he must file his motion in the court and criminal case in which he was sentenced.

Moreover, a review of Plaintiff's initiating documents reveals non-sensical, fantastical statements that do not appear to have any basis in law or fact.

For these reasons, it is recommended that the District Judge enter an order **DISMISSING** this action **WITH PREJUDICE**.

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1 Plaintiff should be aware of the following:

2 1. That he may file, pursuant to 28 U.S.C. § 636(b)(1)(C), specific written objections to
3 this Report and Recommendation within fourteen days of being served with a copy of the Report
4 and Recommendation. These objections should be titled “Objections to Magistrate Judge’s
5 Report and Recommendation” and should be accompanied by points and authorities for
6 consideration by the district judge.

7 2. That this Report and Recommendation is not an appealable order and that any notice of
8 appeal pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure should not be filed
9 until entry of judgment by the district court.

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11 Dated: March 29, 2021



William G. Cobb
United States Magistrate Judge